

REMARKS

The Office has required restriction in the above-listed application as follows:

Group I: Claims 1-7, drawn to a method of using an isolated polynucleotide or its corresponding isolated polypeptide as a specific marker for the beta cells of pancreatic islets of Langerhans;

Group II: Claims 8-9, 11-12 and 23-25, drawn to an isolated polynucleotide, an expression vector comprising an insert consisting of said isolated polynucleotide, a cell modified with said polynucleotide, and a transgenic non-human organism;

Group III: Claim 10, drawn to a pair of primers for amplifying nucleic acids corresponding to the polynucleotides of Claim 1;

Group IV: Claims 13-18, drawn to a method for determining the transcription profile of a gene in a biological sample, said method comprising bringing nucleic acids obtained from said sample into contact with a labeled nucleic acid probe;

Group V: Claim 19, drawn to a kit of reagents, said kit comprising at least one nucleic acid probe;

Group VI: Claim 20, drawn to a DNA chip comprising at least one polynucleotide;

Group VII: Claim 21, drawn to a method of using a polynucleotide for preparing a DNA chip;

Group VIII: Claim 22, drawn to a method of using a polynucleotide as a means for studying a biological process;

Group IX: Claims 26-27, drawn to a method of making a protein from a cell or non-human transgenic organism;

Group X: Claims 28 and 30-32, drawn to a method of using an antibody for detecting and/or sorting islets of Langerhans or beta cells;

Group XI: Claim 29, drawn to a method of using an antibody for analyzing the differentiation of stem cells into pancreatic islet cells;

Group XII: Claims 33-35, drawn to a method of screening for a chemical or biochemical compound that interacts with a polynucleotide;

Group XIII: Claim 36, drawn to a medicinal product comprising a polynucleotide, a polypeptide, an antibody and/or a genetically modified cell;

Group XIV: Claim 37, drawn to a method of making a medicinal composition for the treatment of a disease; and

Group XV: Claim 38, drawn to a method of using a composition for determining an anomaly of a gene encoding a protein.

Applicants have elected, with traverse, Group X: Claims 28 and 30-32, for further prosecution.

Applicants note that the Office has also requested species elections for species in various claims. However, none of the claims for which species elections have been requested are in elected Group X: Claims 28 and 30-32. Accordingly, Applicants submit that election of species is unnecessary because none of the claims for which the species elections are requested fall into the elected group of claims that will be examined.

Applicants traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden upon the Office.

MPEP in subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants submit the present application is now in condition for examination on the merits. Early notification to this effect is earnestly solicited.

Application No. 10/535,395
Reply to Restriction Requirement of August 27, 2007

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres, Jr., Ph.D.
Attorney of Record
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)